

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3871 of 1985

-----  
JAGUBHAI M MALVI

Versus

ADMINISTRATIVE OFFICER  
-----

Appearance:

MR BB NAIK for Petitioners

SERVED for Respondent No. 1  
-----

CORAM : MR.JUSTICE R.BALIA.

Date of Order: 11/12/96

ORAL ORDER

1. By order dated 5.7.1985, the two petitioners were transferred by the order of respondent. On challenging it by order dated 22.7.85, the execution, operation and implementation of the impugned orders were stayed. The court observed that while the District Education Committee has opposed to the transfer and has not approved the transfer of the petitioners in spite of this the Administrative Officer has issued transfer orders at the instance of Minister for Home and Education as per the averments made in the petition. The respondents were directed to produce the record. Further on 28.1.1986, Rule was issued and interim relief was allowed to continue. This goes to show that prima facie at the time of issuance of Rule, court was satisfied about the interference of the then Minister for Home and Education in the matter of transfer. Since then, eleven years have been expired and the impugned orders of transfer have not been implemented. In these circumstances, it is just and proper, without going into the merits of the case allow the present state of affairs to continue leaving the Administration free to take fresh decision about the transfer of the petitioners as per the existing exigencies today. Accordingly the petition is disposed of with direction to respondents not to disturb the present postings of the petitioners. However, the the appropriate authorities are free to reconsider the question of transferring the petitioners keeping in view

the present circumstances and administrative exigencies.

Ordered accordingly. Rule made absolutely with  
no order as to costs.

(Rajesh Balia, J)